

# CAL FIRE permitting and legal considerations related to burning

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# Public Resources Code 4423

- A person shall not burn in any **state responsibility area** without a permit.
- Any time in Zone A (Mono, Inyo, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial Counties).
- In Zone B between May 1 and the date the director declares, by proclamation, that fire conditions have abated for that year.
- In Zone B at any time during any year when the director declares, by proclamation, that unusual fire hazard conditions exist.

# Public Resources Code 4423.1

- Burning under permit may be suspended or restricted by proclamation.

# Public Resource Code 4423.2(a)

- Whenever burning under a permit has been suspended, restricted or prohibited by proclamation pursuant to PRC 4423.1, the officer having jurisdiction may issue a restricted temporary burn permit in instances in which the continuation of burning may be essential for reasons of public health, safety, or welfare.
- The permit may stipulate special precautions to reduce risk of uncontrolled fire.
- Violation of terms is a misdemeanor.

# Public Resources Code 4421

- A person shall not set fire or cause a fire to be set on land that is not his own or under his control without the permission of the owner, lessee, or agent of the owner or lessee of the land.




# Public Resources Code 4422

- Cannot let fire escape onto lands of another

# Permitting (PRC 4491)


- Cooperation by the department with any person using prescribed burning as a means of converting brush covered lands into forage lands, which has as its objective prevention of high intensity wildland fires , watershed management, range improvement, vegetation management, forest improvement, wildlife habitat improvement, and maintenance of air quality, or any combination thereof, is declared to be for a public purpose.



## Permitting (PRC 4491)

- The department shall provide advisory service to applicants for permits as to precautions to be taken by the applicant to prevent damage to the property of others by reason of the prescribed burning.





## Permitting (PRC 4491)

- The department shall provide standby fire protection to such extent that personnel, fire crews and fire fighting equipment are available.

# Permitting (PRC 4493)

- Upon receipt of an application, the department shall inspect the land in company with the applicant to determine if a permit shall be granted.
- The department shall prescribe appropriate site preparation measures and reasonable precautions.
- Precautions may include advance preparation of fire breaks, fire fighting equipment, etc.

# Permitting (PRC 4494)

- Issuance of a permit by the department does not relieve the holder of the permit from the duty of exercising due diligence to avoid damage to property of others.

**ATTENTION, PERMITTEE!  
BE FIRE SAFE!  
THE FOLLOWING INFORMATION IS CALLED TO YOUR ATTENTION AND  
IS FOR YOUR PROTECTION**

Air Pollution Rules and Regulations establish conditions when burning of the material for which this permit is issued may be allowed. Permittees should only burn on "BURN DAYS." Burn only those items for which this permit is issued.

Apparent violations of air pollution control observed by forest officers will be promptly reported to the local Air Pollution Control officer. Forest and fire protection officers of the Department will enforce fire law violations to prevent the occurrence of uncontrolled fire and violations from which an uncontrolled fire resulted.

**You are cautioned that reasonable prudence requires careful consideration of: time, weather, place of starting fire, size of area and material to be burned, condition of firebreaks, number of adult persons required for control, adequate fire fighting tools. It is also important for you to understand that:**

- The object of legislation is to prevent fires, or have them controlled so that general and widespread disastrous consequences will not follow. It is not the object of legislation to protect persons from their own carelessness, but to protect the general public from such carelessness.
- It is required by law that fire be used by you in such a manner as to minimize the possibility of damage to others. The law requires the application of good common sense and logical reasoning by persons using fire so that such fire does not escape control and do damage to others.
- Uncontrolled fires are dangerous and expensive. It is a legal duty of every individual citizen to prevent and suppress uncontrolled fires.
- It is a violation of law, and liability is imposed upon anyone who allows a fire to burn uncontrolled upon his lands, regardless of what may have caused it.
- During the burning authorized by this permit, Forest Officers are instructed to immediately take whatever action is necessary to bring under control and suppress the fire if they find any of the following conditions existing:
  - That, because of the violation of the terms of this permit the fire appears to be obviously out of control, or that it is burning with such magnitude it cannot be controlled by the facilities and personnel at hand, or that the fire will obviously escape control lines established, or that the fire has already escaped such control lines and is beyond the ability of the permittee to effect control.**
- The California Department of Forestry and Fire Protection is not a volunteer when it takes action to suppress a fire burning uncontrolled on lands in this State. It is compelled to take such action for the protection of the State's interests. When the California Department of Forestry and Fire Protection takes action to control a fire which is burning uncontrolled due to a breach of duty on the part of an individual, it is entitled to reimbursement for the public funds which were expended.